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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

JONATHAN SILVER SKY,)	CV-04-154-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
MIKE MAHONEY,)	U.S. MAGISTRATE JUDGE
)	
Defendant.)	
_____)	

On December 9, 2005, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends Plaintiff's Petition be dismissed with prejudice on the grounds that Silver Sky's procedural default is unexcused.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the March 3, 2004 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d

449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Petition is **DISMISSED WITH PREJUDICE** (*Doc. #1*).

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 13 day of January, 2006.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

1/13/06 to
Plaintiff, Pro Se
Mag. Judge Anderson